

AMENDED IN ASSEMBLY MARCH 25, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 223

**Introduced by Assembly Members Ma and Lieu
(Principal coauthor: Assembly Member Cook)**

February 4, 2009

An act to amend Section 51222 of, and to add Sections 51230.1 and 51242.1 to add Section 51230.1 to, the Education Code, relating to physical education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 223, as amended, Ma. Physical education: Junior Reserve Officers' Training Corps.

Existing law provides that the governing board of any school district maintaining a secondary school may establish in the school courses in military science and tactics complying with the laws of the United States made and provided with reference to Reserve Officers' Training Corps units in educational institutions. Existing law also requires all pupils in grades 7 to 12, inclusive, except those who are excused or exempted, as specified, to attend courses of physical education for not less than 400 minutes each 10 school days.

This bill would make findings and declarations concerning the value of Junior Reserve Officers' Training Corps (JROTC) programs. This bill would require the San Francisco Board of Education to make JROTC courses available to pupils under its jurisdiction in grades 9 to 12, inclusive. This bill would also require the governing board of a school district that establishes courses provided with reference to Reserve Officers' Training Corps units in any secondary school that it maintains

to exempt any pupil engaged in an ROTC course from attending courses of physical education and from provisions that require that 2 courses in physical education be completed in order to receive a diploma of graduation from high school. Because this bill would require a school districts district to provide a higher level of service and to perform additional administrative tasks, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) The Junior Reserve Officers' Training Corps (JROTC) is a
- 4 leadership and citizenship program offered before, during, and
- 5 after school in public high schools that fosters character
- 6 development, pupil achievement, leadership skills, wellness and
- 7 physical fitness, and civic responsibility.
- 8 (b) The mission of the JROTC program is "To Motivate Young
- 9 People to be Better Citizens."
- 10 (c) Pupils and instructors in the JROTC program volunteer
- 11 thousands of community service hours to their schools and
- 12 communities.
- 13 (d) Pupils of all genders, races, and sexual orientations
- 14 participate in the JROTC program. Openly gay, lesbian, bisexual,
- 15 and transgender pupils number among the cadets and cadet
- 16 leadership staff.
- 17 (e) The JROTC program has been cited by program alumni,
- 18 parents, principals, counselors, and teachers as supporting at-risk
- 19 high school pupils.

1 (f) Over 90 percent of JROTC program participants go on to
2 college.

3 (g) In November 2008, the voters of the City and County of San
4 Francisco overwhelmingly passed Proposition V by nearly 55
5 percent urging the San Francisco City Unified School District to
6 support the JROTC program by continuing to make it available to
7 district pupils.

8 (h) The JROTC curriculum contains a rigorous and intense
9 physical education component that motivates pupils toward a
10 lifelong commitment to physical fitness and health.

11 ~~SEC. 2. Section 51222 of the Education Code is amended to~~
12 ~~read:~~

13 ~~51222. (a) All pupils, except pupils excused or exempted~~
14 ~~pursuant to Section 51241, 51242, or 51242.1 shall be required to~~
15 ~~attend upon the courses of physical education for a total period of~~
16 ~~time of not less than 400 minutes each 10 schooldays. Any pupil~~
17 ~~may be excused from physical education classes during one of~~
18 ~~grades 10, 11, or 12 for not to exceed 24 clock hours in order to~~
19 ~~participate in automobile driver training. A pupil who is excused~~
20 ~~from physical education classes to enroll in driver training shall~~
21 ~~attend upon a minimum of 7,000 minutes of physical education~~
22 ~~instruction during the school year.~~

23 ~~(b) The governing board of each school district that maintains~~
24 ~~a high school and that elects to exempt pupils from required~~
25 ~~attendance in physical education courses pursuant to paragraph~~
26 ~~(1) or (2) or both of subdivision (b) of Section 51241 shall offer~~
27 ~~those pupils so exempted a variety of elective physical education~~
28 ~~courses of not less than 400 minutes each 10 schooldays.~~

29 ~~SEC. 3.~~

30 ~~SEC. 2. Section 51230.1 is added to the Education Code, to~~
31 ~~read:~~

32 ~~51230.1. Consistent with the authority afforded to the governing~~
33 ~~board of any school under Section 51750, the San Francisco Board~~
34 ~~of Education shall make Junior Reserve Officers' Training Corps~~
35 ~~(JROTC) courses available to pupils under its jurisdiction in grades~~
36 ~~9 to 12, inclusive.~~

37 ~~SEC. 4. Section 51242.1 is added to the Education Code, to~~
38 ~~read:~~

39 ~~51242.1. The governing board of a school district, that~~
40 ~~establishes leadership courses that comply with the laws of the~~

1 United States made and provided with reference to Junior Reserve
2 Officers' Training Corps (JROTC) units in educational institutions;
3 in any secondary school that the board maintains pursuant to
4 Section 51750, shall exempt any pupil engaged in an ROTC course
5 from attending courses of physical education and from the
6 requirements of subparagraph (F) of paragraph (1) of subdivision
7 (a) of Section 51225.3.

8 ~~SEC. 5.~~

9 *SEC. 3.* The Legislature hereby finds and declares that due to
10 unique circumstances relating to the City and County of San
11 Francisco, a general statute cannot be made applicable within the
12 meaning of Section 16 of Article IV of the California Constitution.

13 ~~SEC. 6.~~

14 *SEC. 4.* If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.

19 ~~SEC. 7.~~

20 *SEC. 5.* This act is an urgency statute necessary for the
21 immediate preservation of the public peace, health, or safety within
22 the meaning of Article IV of the Constitution and shall go into
23 immediate effect. The facts constituting the necessity are:

24 In order to ensure that Junior Reserve Officers' Training Corps
25 continue in existence in the San Francisco City Unified School
26 District with as high a rate of pupil participation as possible, it is
27 necessary that this measure take effect immediately.